



**LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

2012–2013–2014–2015–2016

MINUTES OF PROCEEDINGS

No. 144

THURSDAY, 4 AUGUST 2016

1 The Assembly met at 10 a.m., pursuant to adjournment. The Speaker (Mrs Dunne) took the Chair and asked Members to stand in silence and pray or reflect on their responsibilities to the people of the Australian Capital Territory.

2 **SCHOOLS FOR ALL—IMPLEMENTATION OF THE RECOMMENDATIONS OF THE EXPERT PANEL ON STUDENTS WITH COMPLEX NEEDS AND CHALLENGING BEHAVIOUR: 2ND QUARTERLY REPORT—MINISTERIAL STATEMENT—PAPER NOTED**

Mr Rattenbury (Minister for Education) made a ministerial statement concerning progress made on the implementation of the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour and presented the following paper:

Schools for All—Implementation of the recommendations of the Expert Panel on Students with Complex Needs and Challenging Behaviour: 2nd Quarterly Report—Ministerial statement, 4 August 2016.

Mr Rattenbury moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

3 **VOCATIONAL EDUCATION AND TRAINING IN A.C.T. PUBLIC SCHOOLS AND LONGITUDINAL STUDY OF SCHOOL LEAVERS—REVIEW—PROGRESS REPORT—MINISTERIAL STATEMENT AND PAPER—PAPERS NOTED**

Mr Rattenbury (Minister for Education) made a ministerial statement concerning progress made on the review of Vocational Education and Training in ACT Public Schools and longitudinal study of school leavers and presented the following papers:



Vocational Education and Training in ACT Public Schools and longitudinal study of school leavers—Review—Progress report—

Ministerial statement, 4 August 2016.

Progress report, dated August 2016.

Mr Rattenbury moved—That the Assembly take note of the papers.

Question—put and passed.

4 MEDICINAL CANNABIS SCHEME—MINISTERIAL STATEMENT—PAPER NOTED

Ms Fitzharris (Assistant Minister for Health) made a ministerial statement concerning the implementation of a medicinal cannabis scheme for the ACT and presented the following paper:

Medicinal Cannabis Scheme—Ministerial statement, 4 August 2016.

Ms Fitzharris moved—That the Assembly take note of the paper.

Debate ensued.

Question—put and passed.

5 ADMINISTRATION AND PROCEDURE—STANDING COMMITTEE—REPORT 10—INQUIRY INTO PROVISIONS OF THE LEGISLATIVE ASSEMBLY (OFFICE OF THE LEGISLATIVE ASSEMBLY) ACT 2012—REPORT NOTED

Mrs Dunne (Chair) presented the following report:

Administration and Procedure—Standing Committee—Report 10—*Inquiry into provisions of the Legislative Assembly (Office of the Legislative Assembly) Act 2012*, dated 3 August 2016, together with a copy of the extracts of the relevant minutes of proceedings.

Mr Rattenbury moved—That the report be noted.

Question—put and passed.

6 PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 30—INQUIRY INTO THE LOOSE-FILL ASBESTOS INSULATION ERADICATION SCHEME—QUARTERLY PROGRESS REPORTING—REPORT NOTED

Ms Lawder (Chair) presented the following report:

Public Accounts—Standing Committee—Report 30—*Inquiry into the Loose-fill Asbestos Insulation Eradication Scheme—Quarterly progress reporting*, dated 26 July 2016, together with a copy of the extracts of the relevant minutes of proceedings—

and moved—That the report be noted.

Question—put and passed.

7 EDUCATION, TRAINING AND YOUTH AFFAIRS—STANDING COMMITTEE—UNIVERSITY OF CANBERRA AND CANBERRA INSTITUTE OF TECHNOLOGY ANNUAL REPORTS 2015—REFERENCE TO COMMITTEE—STATEMENT BY CHAIR

Mr Hinder (Chair), pursuant to standing order 246A, made a statement concerning the Standing Committee on Education, Training and Youth Affairs' consideration of the 2015 annual reports of the University of Canberra and Canberra Institute of Technology.

8 EXECUTIVE BUSINESS—PRECEDENCE

Ordered—That Executive business be called on forthwith.

9 TRADERS (LICENSING) BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

10 HEALTH, AGEING, COMMUNITY AND SOCIAL SERVICES—STANDING COMMITTEE—CONSIDERATION OF STATUTORY APPOINTMENTS—STATEMENT BY CHAIR—PAPER

Ms Burch (Chair), pursuant to standing order 246A and Continuing Resolution 5A, made a statement concerning consideration of statutory appointments by the Standing Committee on Health, Ageing, Community and Social Services.

Paper: Ms Burch, pursuant to Continuing Resolution 5A, presented the following paper:

Health, Ageing, Community and Social Services—Standing Committee—Schedule of Statutory Appointments—8th Assembly—Periods 1 January to 30 June 2016 and 1 July to 31 December 2016.

11 REVENUE LEGISLATION AMENDMENT BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

12 CRIMES (SERIOUS AND ORGANISED CRIME) LEGISLATION AMENDMENT BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 14		NOES, 1
Ms Berry	Ms Fitzharris	Mr Rattenbury
Dr Bourke	Mr Gentleman	
Ms Burch	Mr Hanson	
Mr Coe	Mr Hinder	
Mr Corbell	Mrs Jones	
Mr Doszpot	Ms Lawder	
Mrs Dunne	Mr Wall	

And so it was resolved in the affirmative.

Detail Stage

Mr Corbell (Attorney-General), pursuant to standing order 182A(b), was granted leave to move his amendments Nos. 1 to 8 (*see* [Schedule 1](#)), that are minor or technical in nature.

Clause 1 agreed to.

Clause 2—

On the motion of Mr Corbell, his amendment No. 1 (*see* [Schedule 1](#)) was made, after debate.

Paper: Mr Corbell presented a supplementary explanatory statement to the Government amendments.

Clause 2, as amended, agreed to.

Clause 3—

On the motion of Mr Corbell, his amendment No. 2 (*see* [Schedule 1](#)) was made.

Clause 3, as amended, agreed to.

Clause 4 agreed to.

Clause 5—debated and agreed to.

Clause 6—

On the motion of Mr Corbell, by leave, his amendments Nos. 3 to 5 (*see* [Schedule 1](#)) were made together, after debate.

Clause 6, as amended, agreed to.

New clause—

On the motion of Mr Corbell, new clause 6A (his amendment No. 6—*see* [Schedule 1](#)) was inserted in the Bill.

Clauses 7 and 8, by leave, taken together and agreed to.

Clause 9—debated and agreed to.

Clause 10—

On the motion of Mr Corbell, his amendment No. 7 (*see* [Schedule 1](#)) was made.

Mr Rattenbury moved his amendment No. 1 (*see* [Schedule 2](#)).

Debate continued.

Question—put.

The Assembly voted—

AYES, 1	NOES, 14	
Mr Rattenbury	Ms Berry	Ms Fitzharris
	Dr Bourke	Mr Gentleman
	Ms Burch	Mr Hanson
	Mr Coe	Mr Hinder
	Mr Corbell	Mrs Jones
	Mr Doszpot	Ms Lawder
	Mrs Dunne	Mr Wall

And so it was negatived.

Clause 10, as amended, agreed to.

Clause 11—debated and agreed to.

Clauses 12 to 28, by leave, taken together and agreed to.

Clause 29—debated and agreed to.

Clause 30—debated and agreed to.

New part—

On the motion of Mr Corbell, new part 7A (incorporating new clauses 30A to 30F) (his amendment No. 8—*see* [Schedule 1](#)) was inserted in the Bill.

Proposed new clause—

Mr Rattenbury moved his amendment No. 2 (*see* [Schedule 2](#)) which would insert a new clause 30A in the Bill.

Amendment negatived.

Clause 31—debated and agreed to.

Title agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

13 QUESTIONS

Questions without notice were asked.

14 PRESENTATION OF PAPER

The Speaker presented the following paper:

Legislative Assembly (Members' Superannuation) Act, pursuant to section 11A—
Australian Capital Territory Legislative Assembly Members Superannuation Board—
Annual Report 2015-2016, dated 4 August 2016.

15 PRESENTATION OF PAPER

Mr Barr (Minister for Economic Development) presented the following paper:

Public Accounts—Standing Committee—Report 17—*Review of Auditor-General's Report No. 8 of 2013: Management of Funding for Community Services*—Recommendation 5—Update.

16 PRESENTATION OF PAPER

Mr Barr (Minister for Tourism and Events) presented the following paper:

National Arboretum Canberra—Strategic Forest Review—Government response.

17 PRESENTATION OF PAPERS

Mr Corbell (Attorney-General) presented the following papers:

Coroners Act, pursuant to subsection 57(5)—Report of Coroner—Inquest into the death of John Cadar Throckmorton—

Report, dated 5 May 2016.

Executive response.

18 AUDITOR-GENERAL ACT—AUDITOR-GENERAL'S REPORT NO. 1/2016 AND PUBLIC ACCOUNTS—STANDING COMMITTEE—REPORT 27—GOVERNMENT RESPONSE—PAPER

Mr Corbell (Minister for Health) presented the following paper:

Auditor-General Act—Auditor-General's Report No. 1/2016—Calvary Public Hospital Financial and Performance Reporting and Management, and Public Accounts—Standing Committee—Report 27—*Review of Auditor-General's Report No. 1 of 2016: Calvary Public Hospital Financial and Performance Reporting and Management*—Government response.

19 MENTAL HEALTH (SECURE FACILITIES) BILL 2016

Mr Corbell (Minister for Health) presented the following paper:

Mental Health (Secure Facilities) Bill 2016—Revised explanatory statement.

20 PRESENTATION OF PAPER

Mr Gentleman (Minister for Workplace Safety and Industrial Relations) presented the following paper:

Mr Fluffy loose-fill asbestos—Update on the ACT Government response to the issue—Quarterly report—1 January to 31 March 2016.

21 ABORIGINAL AND TORRES STRAIT ISLANDER EDUCATION—ANNUAL REPORT 2015-16—STATEMENT BY MINISTER

Mr Rattenbury (Minister for Education) presented the following paper:

Aboriginal and Torres Strait Islander Education, pursuant to the resolution of the Assembly of 24 May 2000 concerning Indigenous education, as amended 16 February 2006—Annual report 2015-16—

and, by leave, made a statement in relation to the paper.

22 PRESENTATION OF PAPERS

Mr Rattenbury (Minister for Road Safety) presented the following papers:

Rail Safety National Law (South Australia) Act—

Rail Safety National Law National Regulations Variation Regulations 2016 (2016 No. 360).

Rail Safety National Law National Regulations (Fees) Variation Regulations 2016 (2016 No. 361)—

together with an explanatory statement to the regulations.

23 MATTER OF PUBLIC IMPORTANCE—DISCUSSION—COST OF LIVING PRESSURES FOR FAMILIES

The Assembly was informed that Ms Burch, Mr Doszpot, Mr Hanson (Leader of the Opposition), Mrs Jones and Mr Wall had proposed that matters of public importance be submitted to the Assembly for discussion. In accordance with the provisions of standing order 79, the Speaker had determined that the matter proposed by Mr Doszpot be submitted to the Assembly, namely, “The importance of reducing the cost of living pressures for families in the ACT”.

Discussion ensued.

Discussion concluded.

24 DISCRIMINATION AMENDMENT BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Rattenbury, by leave, his amendments Nos. 1 to 3 (*see* [Schedule 3](#)) were made together, after debate.

Bill, as a whole, as amended, agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

25 RESIDENTIAL TENANCIES LEGISLATION AMENDMENT BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Leave granted to dispense with the detail stage.

Question—That this Bill be agreed to—put and passed.

26 WASTE MANAGEMENT AND RESOURCE RECOVERY BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put and passed.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Ms Fitzharris (Minister for Transport Canberra and City Services), pursuant to standing order 182A(b), by leave, her amendments Nos. 1 to 4 (*see* [Schedule 4](#)) were made together.

Paper: Ms Fitzharris presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended, agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

27 PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2016

The order of the day having been read for the resumption of the debate on the question—That this Bill be agreed to in principle—

Debate resumed.

Question—That this Bill be agreed to in principle—put.

The Assembly voted—

AYES, 8		NOES, 7	
Mr Barr	Mr Corbell	Mr Coe	Mrs Jones
Ms Berry	Ms Fitzharris	Mr Doszpot	Ms Lawder
Dr Bourke	Mr Hinder	Mrs Dunne	Mr Wall
Ms Burch	Mr Rattenbury	Mr Hanson	

And so it was resolved in the affirmative.

Adjournment negated: It being 6 p.m.—The question was proposed—That the Assembly do now adjourn.

Mr Corbell (Deputy Chief Minister) requiring the question to be put forthwith without debate—

Question—put and negated.

Detail Stage

Bill, by leave, taken as a whole—

On the motion of Mr Barr (Chief Minister), pursuant to standing order 182A(c) and (b), by leave, his amendments Nos. 1 to 6 (*see* [Schedule 5](#)) were made together.

Paper: Mr Barr presented a supplementary explanatory statement to the Government amendments.

Bill, as a whole, as amended agreed to.

Question—That this Bill, as amended, be agreed to—put and passed.

28 ADJOURNMENT

Mr Barr (Chief Minister) moved—That the Assembly do now adjourn.

Debate ensued.

Question—put and passed.

And then the Assembly, at 6.17 p.m., adjourned until Tuesday, 9 August 2016 at 10 a.m.

MEMBERS' ATTENDANCE: All Members were present at some time during the sitting.

Tom Duncan
Clerk of the Legislative Assembly

SCHEDULES OF AMENDMENTS

Schedule 1

CRIMES (SERIOUS AND ORGANISED CRIME) LEGISLATION AMENDMENT BILL 2016

Amendments circulated by the Attorney-General

1

Clause 2

Page 2, line 5—

omit clause 2, substitute

2

Commencement

- (1) This Act (other than part 2) commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

- (2) Part 2 (other than sections 7 and 8) commences on 1 May 2017.
- (3) Sections 7 and 8 commence on the later of—
- (a) 1 May 2017; and
 - (b) the commencement of the *Family Violence Act 2016*, section 3.

2

Clause 3

Page 2, line 20—

insert

- *Firearms Act 1996*

3

Clause 6

Proposed new section 44 (3)

Page 3, line 19—

omit everything after

accused

substitute

person—

- (a) within 2 hours after the decision is made; or
 - (b) if the decision is made between 4pm on a day and 8am the next day (**day 2**)—by 10am on day 2 (whether or not it is a working day).
-

4**Clause 6****Proposed new section 44 (5) (d)****Page 4, line 11—***omit*

72 hours

substitute

48 hours

5**Clause 6****Proposed new section 44 (6)****Page 4, line 14—***omit*

6**Proposed new clause 6A****Page 5, line 5—***insert***6A****New section 44A***insert***44A****Review of s 44**

- (1) The Minister must review the operation of section 44 as soon as practicable after the end of its 2nd year of operation.
- (2) The Minister must present a report of the review to the Legislative Assembly within 6 months after the day the review is started.
- (3) This section expires 3 years after the day it commences.

7**Clause 10****Proposed new section 175 (1A)****Page 7, line 9—***insert*

- (1A) However, this section does not apply to a person who (whether part of a group or not) is—
 - (a) picketing a place of employment; or
 - (b) demonstrating or protesting about a particular issue; or
 - (c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended to publicise the person's view about a particular issue.
-

8**Proposed new part 7A****Page 19, line 22—***insert***Part 7A Firearms Act 1996****30A New section 23A***in part 3, insert***23A Application of Act to imitation firearms**

- (1) This Act applies to an imitation firearm in the same way as it applies to a firearm, subject to the following:
 - (a) the registrar must not issue a licence for the possession or use of an imitation firearm (except to a firearms dealer);
 - (b) the registrar may issue a permit for the possession or use of an imitation firearm;
 - (c) an imitation firearm is not required to be registered.
- (2) For the application of this Act to an imitation firearm—
 - (a) an imitation firearm that is an imitation of a pistol is taken to be a pistol; and
 - (b) an imitation firearm that is an imitation of a prohibited firearm is taken to be a prohibited firearm.
- (3) In this Act:
imitation firearm—
 - (a) means something that, regardless of its colour, weight or composition or the presence or absence of any moveable parts, substantially duplicates in appearance a firearm but is not a firearm; and
 - (b) includes something that the registrar declares to be an imitation firearm under section 31.
- (4) However, *imitation firearm* does not include—
 - (a) something that is produced and identified as a children's toy; or
 - (b) something prescribed by regulation not to be an imitation firearm; or
 - (c) something declared not to be an imitation firearm under section 31.

**30B Firearms declarations by registrar
Section 31 (1) (a)**

substitute

- (a) declare something to be a firearm or imitation firearm;

30C Section 31 (1) (c)

substitute

- (c) declare that something is not a firearm, imitation firearm or prohibited firearm.

**30D Offence—Unauthorised possession or use of prohibited firearms
Section 42 (b)**

before

firearms

insert

prohibited

**30E Prohibited firearms
Schedule 1, item 19**

substitute

19	a replica of any firearm (including a replica pistol, blank fire pistol, paintball marker, shortened firearm, machine gun or submachine gun) unless it is of a type approved by the registrar
----	---

30F Dictionary, new definition of *imitation firearm*

insert

imitation firearm—see section 23A.

Schedule 2

CRIMES (SERIOUS AND ORGANISED CRIME) LEGISLATION AMENDMENT BILL 2016

Amendments circulated by Mr Rattenbury

1

Clause 10

Proposed new section 180

Page 9, line 25—

insert

180 Exclusion directions—annual report

- (1) The Minister must prepare a report for each calendar year about the exclusion directions given during the year.
- (2) The report must set out the following information about the exclusion directions:
 - (a) how many directions have been given in total;
 - (b) how many orders have been given to—
 - (i) Aboriginal and Torres Strait Islander people; and
 - (ii) children;
 - (c) the kind of conduct the directions have been given in relation to.
- (3) The Minister must present the report to the Legislative Assembly within 3 months after the end of the calendar year to which the report relates.

2

Proposed new clause 30A

Page 19, line 22—

insert

30A New section 26A

in part 3.4, insert

26A Non-association and place restriction orders—annual report

- (1) The Minister must prepare a report for each calendar year about the non-association orders and place restriction orders made during the year.
- (2) The report must set out the following information about the non-association orders and place restriction orders:

- (a) how many orders have been made in total;
 - (b) how many orders have been made in relation to—
 - (i) Aboriginal and Torres Strait Islander people; and
 - (ii) young offenders;
 - (c) the kind of offences the orders have been made in relation to.
- (3) The Minister must present the report to the Legislative Assembly within 3 months after the end of the calendar year to which the report relates.
-

Schedule 3

DISCRIMINATION AMENDMENT BILL 2016

Amendments circulated by Mr Rattenbury

1

Clause 9

Proposed new section 67A (1) (da)

Page 8, line 10—

insert

(da) religious conviction;

2

Schedule 1, part 1.1

Amendment 1.1

Proposed new section 750 (1) (c) (iva)

Page 24, line 18—

insert

(iva) religious conviction;

3

Schedule 1, part 1.1

Amendment 1.1

Proposed new section 750 (2), new definition of *religious conviction*

Page 25, line 20—

insert

religious conviction—see the *Discrimination Act 1991*, dictionary.

Schedule 4

WASTE MANAGEMENT AND RESOURCE RECOVERY BILL 2016

Amendments circulated by the Minister for Transport Canberra and City Services

1
Proposed new part 9A
Page 40, line 6—

insert

Part 9A Waste storage and collection

62A Definitions—pt 9A

In this part:

store includes keep.

waste does not include—

- (a) sewage; or
- (b) a thing prescribed by regulation.

waste collection service means a service for collecting waste.

62B Waste collection service

- (1) The waste manager may—
 - (a) establish a waste collection service in the Territory, in accordance with a regulation; and
 - (b) direct that waste collected by a waste collection service be reused, recycled or used as landfill.
- Note* Words in the singular number include the plural (see Legislation Act, s 145 (b)).
- (2) A regulation may make provision in relation to the following:
 - (a) collection or disposal of waste;
 - (b) eligibility to operate a waste collection service;
 - (c) operation of a waste collection service, including responsibilities and liabilities of the service;
 - (d) storing waste for collection by a waste collection service, including requirements relating to the use or maintenance of containers for storing waste;
 - (e) entry of people on land for a purpose under this part.
-

2**Dictionary, proposed new definition of *store*****Page 90, line 3—***insert**store*, for part 9A (Waste storage and collection)—see section 62A.

3**Dictionary, definition of *waste*****Page 90, line 7—***omit the definition, substitute**waste—*

(a) for this Act generally—see section 10; and

(b) for part 9A (Waste storage and collection)—see section 62A.

4**Dictionary, proposed new definition of *waste collection service*****Page 90, line 8—***insert**waste collection service*, for part 9A (Waste storage and collection)—see section 62A.

Schedule 5

PUBLIC SECTOR MANAGEMENT AMENDMENT BILL 2016

Amendments circulated by the Chief Minister

1

Clause 6

Proposed new section 9 (2) (a)

Page 5, line 19—

omit proposed new section 9 (2) (a), substitute

(a) behave in a way that—

(i) is inconsistent with the public sector values; or

(ii) undermines the integrity and reputation of the service; or

2

Clause 6

Proposed new section 9 (4)

Page 6, line 19—

omit

misconduct

substitute

corrupt or fraudulent conduct

3

Clause 6

Proposed new section 9 (4) (b)

Page 6, line 22—

omit

misconduct

substitute

corrupt or fraudulent conduct

4**Clause 54****Proposed new section 142 (1)****Page 64, line 14—***omit*

must

substitute

may

5**Clause 54****Proposed new section 142A****Page 65, line 2—***insert***142A Arrangements for commissioner from another jurisdiction to exercise functions**

If an appointment is not made under section 142, the Chief Minister must make arrangements for the commissioner (however described) responsible for exercising functions under a Commonwealth or State law that substantially correspond to this Act to exercise 1 or more of the functions of the commissioner.

Note The functions of the commissioner include functions under other laws applying in the territory (see s 143 (1) (d)), for example functions under the *Public Interest Disclosure Act 2012*.

6**Clause 65****Proposed new section 293A****Page 82, line 18—***insert***293A Existing appointment of Commissioner for Public Administration**

- (1) This section applies to a person who, immediately before the commencement day, was the Commissioner for Public Administration.
 - (2) The person is taken to be appointed as the commissioner under section 142 (Appointment of commissioner).
 - (3) However, if the person is a public servant, section 142 (2) does not apply.
-